

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIAN GUTIERREZ-PONCE, and  
JUAN JOSE VEGA-FLORES,

Defendants.

Case No. CR20-36RSL

ORDER GRANTING JOINT  
MOTION TO CONTINUE  
TRIAL DATE AND  
PRETRIAL MOTIONS  
DEADLINE

This matter comes before the Court on the parties' "Joint Motion to Continue Trial Date and Pretrial Motions Deadline." Dkt. #56. Having considered the facts set forth in the motion, and the defendants' knowing and voluntary waivers (Dkts. #57, #58), the Court finds as follows:

1. The Court adopts the facts set forth in the motion; specifically, that defense counsel needs additional time to review the discovery provided by the government and to prepare for trial. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

1           3.       The Court finds that the additional time requested between November 2, 2020, and  
2 the proposed trial date of May 24, 2021 is a reasonable period of delay, as defense counsel needs  
3 additional time to effectively prepare for trial. The Court finds that this additional time is  
4 necessary to provide defense counsel reasonable time to prepare for trial, considering all the  
5 facts set forth above.  
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7           4.       The Court further finds that this continuance would serve the ends of justice, and  
8 that these factors outweigh the best interests of the public and defendants in a speedier trial,  
9 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

10          5.       Defendants have each signed waivers indicating that they have been advised of  
11 their right to a speedy trial and that, after consulting with counsel, they have knowingly and  
12 voluntarily waived that right and consented to the continuation of their trial to a date up to and  
13 including June 7, 2021 with respect to Mr. Gutierrez-Ponce, Dkt. #58, and June 24, 2021 with  
14 respect to Mr. Vega-Flores, Dkt. #57, which will permit trial to start on May 24, 2021, per the  
15 parties' request.  
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17           IT IS HEREBY ORDERED that the trial date be continued from November 2, 2020 to  
18 May 24, 2021.

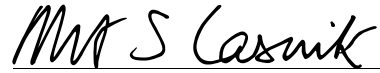
19           IT IS FURTHER ORDERED that the pretrial motions deadline be continued to April 2,  
20 2021.

21           IT IS FURTHER ORDERED that the period of time from the current trial date of  
22 November 2, 2020, up to and including the new trial date, shall be excludable time pursuant to  
23 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this  
24 motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A),  
25 and (h)(7)(B).

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1 DATED this 23<sup>rd</sup> day of September, 2020.

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4 Robert S. Lasnik  
5 United States District Judge  
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